

REMARKS

Claims 10-14 and 44-46 remain in the application and claims 10 and 44 have been amended hereby. New claims 60 and 61 have been added.

Reconsideration is respectfully requested of the rejection of claims 10-14 and 44-46 under 35 USC 102(b), as being anticipated by Ozaki et al.

Features of the recording apparatus and method are the controlling of a light deflector so that a plurality of pits are formed on a track center (not offset) at a predetermined interval. An advantage of these features of the present invention is that, by having these pits located at the track center, a tracking error due to an offset is prevented. See page 28 and Fig. 6 of the present application, for example.

Independent claims 10 and 44 have been amended to recite these features of the present invention.

Looking at Ozaki et al. we see that there is no control of a light deflector so that a plurality of pits are formed on a track center at a predetermined interval. The system of Ozaki et al. is formed to produce pits based on a wobbling signal.

Accordingly, it is respectfully submitted that amended independent claims 10 and 44, and the claims depending therefrom, as not anticipated by Ozaki et al.

Entry of this amendment is earnestly solicited, and it is respectfully submitted that the amendments made to the claims hereby raise no new issues requiring further

consideration and/or search, because all of the features of this invention have clearly been considered by the examiner in the prosecution of this application and because the present amendments serve only to further define and emphasize the novel features of this invention

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM LLP

A handwritten signature in black ink, appearing to read "Jay H. Maioli". The signature is fluid and cursive, with the first name "Jay" and last name "Maioli" clearly distinguishable.

Jay H. Maioli
Reg. No. 27, 213

JHM/PCF:pmc